

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF AND FOR  
LEAVE TO FILE THE SAME UNDER SEAL**

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Plaintiff CytoLogix Corporation ("CytoLogix") hereby moves for leave to file a supplemental brief in opposition to Defendant's Motion to Dismiss (D.I. 73) and further moves for leave to file the same under seal. The basis for this request is the emergence of additional, relevant evidence. The evidence further shows that CytoLogix now has standing and has had standing to prosecute this action since its inception. Moreover, the evidence specifically negates Defendant's stated concern that it could be subject to duplicative litigation concerning the patents-in-suit. The new evidence includes communications between CytoLogix and its licensee, Dako Denmark A/S ("Dako"). These communications are confidential to Dako and CytoLogix. Accordingly, CytoLogix requests permission to file its proposed supplemental materials under seal. CytoLogix' supplemental brief would not exceed three pages in length.

Dated: October 15, 2007

/s/ Michael E. Zeliger

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LOCAL RULE 7.1(A)(2) CERTIFICATION

On October 12, 2007, counsel for Plaintiff, Michael Zeliger, conferred with counsel for Ventana, Roger Chin, by telephone in a good faith effort to resolve or narrow the issues raised in this Motion. Agreement was not reached.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PLAINTIFF'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF AND TO FOR LEAVE TO FILE THE SAME UNDER SEAL was served on this 15th day of October, 2007 to counsel of record by the Court's ECF system.

/s/ Michael E. Zeliger